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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,107	02/13/2001	Mihal Lazaridis	1400-1072D1	3129

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The Danamraj Law Group, PC/RIM  
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EXAMINER
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STRANGE, AARON N

ART UNIT	PAPER NUMBER
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2448

NOTIFICATION DATE	DELIVERY MODE
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10/15/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

portfolioprossecution@rim.com  
uspto-inbox@danamraj.com

<b>Office Action Summary</b>	<b>Application No.</b> 09/782,107	<b>Applicant(s)</b> LAZARIDIS ET AL.	
	<b>Examiner</b> AARON STRANGE	<b>Art Unit</b> 2448	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 90-95,97-102 and 105-108 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 90-95,97-102 and 105-108 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>20100805</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Double Patenting***

1. Applicant's arguments with respect to the double patenting rejections in view of U.S. Application Nos. 09/782,412 and 10/671,162, set forth in the Office action of 5/1/2009 have been fully considered and are persuasive. Accordingly, those rejections have been withdrawn.

### ***Allowable Subject Matter***

2. The indicated allowability of claims 90-95, 97-102 and 105-108 are withdrawn in view of the newly discovered reference(s) to Eggleston et al. (US 5,958,006), particularly in view of the BPAI's interpretation of identical disclosure in a related application by Eggleston (09/095,325) in Appeal No. 2003-2074. Rejections based on the newly cited reference(s) follow.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 90-95, 97-102 and 105-108 rejected under 35 U.S.C. 103(a) as being unpatentable over Eggleston et al. (US 5,958,006) in view of Hall et al. (US 5,826,023) further in view of Murota (US 6,289,105).

5. With regard to claim 90, Eggleston discloses a method of redirecting information between a messaging host system and a wireless mobile data device that is associated with a computer connected over a network to the messaging host system, the method comprising:

receiving an indication at a redirector component indicating receipt of a mail item for a user from a sender by the messaging host system, wherein the mail item is addressed to a first address identifying a mailbox that is viewable by the user via the computer (redirector checks for new mail addressed to a user's post office box)(col. 6, ll. 59-63);

sending the mail item to the wireless mobile data device over a wireless network (mail is forwarded over the wireless network to the client) (col. 6, l. 66 to col. 7, l. 6);

receiving an reply mail item from the wireless mobile data device at the redirector component (col. 12, ll. 7-11 and 55-62).

The Examiner notes that Eggleston does not explicitly disclose that the reply message has the user's mail box address as its originating address. However, Eggleston discloses that reply messages are received by the communication server, the preceding message is retrieved by the server, and a delta routine is applied to reconstruct a replica of the reply message. It is clear that the mobile client does not

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have independent e-mail functionality. Rather, the host server provides the e-mail address and forwards e-mail to recipients who are unaware of any address from the mobile client. Therefore, despite explicit disclosure that the reply message has the user's mail box address as its originating address, one of ordinary skill in the art would have understood Eggleston to disclose such a feature in the disclosure discussing Figure 9.

Eggleston fails to specifically disclose that the mail item is packaged in an outer envelope when redirected via the wireless network or that the redirector is configured to remove the outer envelope of a mail item repackaged at and received from the mobile data communication device or that the mail item is encrypted during transmission.

Hall discloses a similar system for transporting an electronic mail message across different network types (Abstract). Hall teaches encapsulating an electronic mail created for transmission via a first network in outer envelopes for transmission over a second type of network (col. 2, l. 45 to col. 3, l. 8). Hall further discloses that the outer envelope is removed at either end of the tunnel and the message is processed as usual (col. 3, ll. 3-8). This would have been an advantageous addition to the system disclosed by Eggleston since it would have allowed the e-mail and reply messages to be created in the same format and simply tunneled over the wireless network using an outer envelope. This would have advantageously eliminating the need to convert messages between formats used by different networks.

Murota discloses a similar system for sending e-mail messages between a sender and a receiver, wherein a message is encrypted at the sending end, is then

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transmitted over the network to the receiving end, and is finally decrypted at the receiving computer (col. 1, ll. 23-48). Murota further discloses that such an encryption scheme is advantageous because it prevents leaks of secret information to outside, non-intended parties (Murota, col. 1, ll. 49-53).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to transmit the messages over the wireless network using an outer envelope to eliminate the need to convert message formats for communication over different network type and to encrypt the data items to prevent unauthorized parties from accessing the contents of the data items.

6. With regard to claim 91, Eggleston further discloses that the redirector component is operating on the messaging host system (redirector can be local or remote to messaging host system)(fig. 2; col. 4, ll. 57-61).

7. With regard to claim 92, Eggleston further discloses that the redirector component is operating on a host system that is coupled to the messaging host system via the network (redirector can be local or remote to messaging host system)(fig. 2; col. 4, ll. 57-61).

8. With regard to claim 93, Eggleston suggests compressing messages sent between the wired and wireless systems (col. 11, ll. 62-66). It was well known in the art

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at the time the invention was made that compressing messages could be used to increase available bandwidth and to provide faster and less expensive communications.

Given this knowledge, it would have been obvious to a person having ordinary skill in the art to compress the messages in the system taught by Eggleston, prior to transmission to the gateway, and to decompress the messages at the mobile device.

9. With regard to claim 94, Eggleston further discloses that the processing step further comprises encoding the copy of the mail item (messages are translated for transmission via the wireless network)(col. 11, ll. 1-3).

10. With regard to claim 95, the Examiner takes Official Notice that the Multipurpose Internet Mail Extensions protocol was widely known and used to communicate email messages between devices at the time of Applicant's invention.

Thus, it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to encode messages using the MIME protocol within AirMobile's system in order to communicate messages between devices using a known reliable protocol.

11. With regard to claim 97, Eggleston further discloses sending the repackaged mail item from the redirector component to the wireless mobile data device over the wireless network further comprises sending the repackaged mail item via a wireless gateway

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disposed between a wide area network and the wireless network (wireless communications are sent using access points 217-219) (col. 6, ll. 1-5).

12. With regard to claim 98, Eggleston further discloses storing the mail item at the data store associated with the messaging host system (mail is stores in a users post office box)(col. 6, ll. 59-61).

13. Claims 99-102 and 105-108 are rejected under the same rationale as claims 90-95, 97 and 98, since they recite substantially identical subject matter. Any differences between the claims do not result in patentably distinct claims and all of the limitations are explicitly or inherently taught by the above cited art.

### ***Conclusion***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AARON STRANGE whose telephone number is (571)272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on 571-272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aaron Strange/  
Primary Examiner, Art Unit 2448